FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 4709 OF 2004
IN
CRIMINAL APPEAL NO. 1067 OF 2004.

Chandrama @ Rocky Bachanu Dixit & Anr. ...Applicants.
V/s
The State of Maharashtra. ...Respondent.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Mr. A.P.Mundargi, Sr.Counsel with
Indrajeet Joshi for applicants.

Mr. A.M.Shringarpure, APP for State.

CORAM : V.M.KANADE, J.

DATE : November 23, 2004.

P.C. :-

1. Heard the learned counsel appearing on behalf of the appellant. Heard the learned A.P.P. appearing on behalf of the State. Applicant was convicted by the Trial Court under Section 326 r/w 34 of the Indian Penal Code and sentenced to suffer R.I. for 7 years and to pay fine of Rs.1,000/- in default of payment of fine to undergo

imprisonment for 6 months. The prosecution case is that the Original Accused No.1 to 4 assaulted Devkumar Singh and Vijay Kumar Rajpati P.W. 2 and P.W.1 respectively with lethal weapons and as a result P.W.1 and P.W.2 suffered grievous injuries. The Trial Court came to the conclusion that the injuries inflicted on P.W.1 were simple in nature. However, so far as injuries on P.W.2 were concerned they were grievous. However, the charge under section 307 was not proved and therefore, they were convicted under section 326 of the Indian Penal Code. Out of the four accused, accused No.2 and 4 were acquitted by the Trial Court.

2. It is admitted position that there were disputes between the two groups since 1987 and a number of cases were filed by both the parties against each other. The applicants were present during the trial. Injuries which are found on the

person on P.W.1 are simple in nature and the injuries on P.W.4 though are serious are not on the vital part of the body. In my view therefore, the applicants are entitled to be released on bail.

3. The applicants be released on bail in sum of Rs.10,000/- each with one or two sureties in like amount. The applicants however shall not enter the jurisdiction of Dahisar Police Station. The applicants shall report to Borivali(East) Police Station once in a week pending hearing and final disposal of the appeal.

sd/-